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Group 2834

From: **JOSEPH V. COPPOLA, SR.** (jvc@raderfishman.com)

Page: 12 (including cover page)

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Date: 2/21/03

Re: S.N. 09/380817

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

● **Comments:**

Enclosed is a copy of the
RCE application filed on 1/16/03 along
with the stamped PostCard per your
request

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Thank you.

Serial No. 09/380,817 Filed: 1/21/00 Attorney: JVC
Applicant: Reinartz et al Docket No.: 64098-0723 Date Mailed: 1/16/03
Title: Motor Driven Pump Unit

The following was/were received in the U.S. Patent & Trademark Office Mail Room on th EV078878604US No.

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Filing Form for Application*
(in duplicate if charging deposit account).
____ Originating in the U.S.
____ National Phase under Chapter I
____ National Phase under Chapter II
Filing Form for Application*
(in duplicate if charging deposit account).
____ Provisional Application under 37 CFR 1.53(c)
____ Regular Application under 37 CFR 1.53(b)
____ CPA Application under 37 CFR 1.53(d)
____ Continuation Application under 37 CFR 1.53(b)
____ Divisional Application under 37 CFR 1.53(b)
____ Cont. In Part Application under 37 CFR 1.53(b)
____ Design
☒ RCE
____ Other

***Patent Application including:**
____ Pages Specification
____ Pages Claims (Claims 1 through ____)
____ Pages Abstract
____ Sheets of Drawings (Fig. 1 through ____)
____ Declaration/Power of Attorney (____ pages)
____ Verified Small-Entity Status
____ Executed Power of Attorney
____ Priority Document(s) No. ____ & cover sheet
____ Assignment(s) & cover sheet
____ Request to Approve Drawing Change.
with ____ Sheets of Red-Line Drawings
____ Sheets Formal Drawings w/Cover Sheet
____ Request for Refund

Requester's Declaration:
____ Request for Correction of Filing Receipt
____ Request for Certificate of Correction
____ Request for Non-Publication
____ Request for Notice of Filing Cont./Div.
____ Request to Extend Patent Term
____ Transmittal for Amendment (Response)
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____ Amendment (Response)
____ Preliminary Amendment (Response)
____ Response to Election Restriction Requirement
____ Information Disclosure Statement, with
Form(s) PTO-1449 (____ sheets) and
copies of references
____ Affidavit or ____ Declaration under
37 CFR ____ \$1.131 ____ \$1.132
____ Notice of Appeal
____ Petition
____ Status Inquiry
____ Issue Fee Transmittal
____ Separate post card(s)
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____ Other:

Patent & Trademark Office
JAN 24 2000
O I P E

Practitioner's Docket No. AP8957**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Reinartz et al
Application No.: 09/380,817
Filed: 01/21/00
For: Motor Driven Pump Unit

Conf. No. 3103
Group No.: 2834
Examiner: Perez, Guillermo

Commissioner for Patents
Washington, D.C. 20231
BOX RCE

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

WARNING: 35 U.S.C. 132(b) and Section 1.114 provide for the continued examination of an application and not examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10

☐ with sufficient postage as first class mail.

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Mailing Label No.
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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office (703) _____.

Date: 1/16/03

Signature

Joyce Krump
Joyce Krump
(type or print name of person certifying)

(Request for Continued Examination (RCE))--page 1 of 7

WARNING: *A continued examination request cannot be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 C.F.R. 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination; or (4) an application for a design patent. 37 C.F.R. Section 1.114(d).*

NOTE: *There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

NOTE: *Unlike a continuation application, a continued examination request can utilize the mailing procedure of 37 C.F.R. 1.8. See 37 C.F.R. Section 1.8(a)(2)(i)(A).*

TIME REQUEST IS BEING MADE

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
 - ☐ Prior to payment of issue fee
 - ☐ Issue fee has been paid but a petition under Section 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

NOTE: *If such a notice is not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under Section 1.114.*

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or ☐ Commencement of a civil action under 35 U.S.C. 146
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

WARNING: *If reply to a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of Section 1.111. 37 C.F.R. Section 1.114(b).*

- ☐ An information disclosure (37 C.F.R. Section 1.98)
 - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ An amendment (previously filed but unentered Amendment filed 12/18/02)
- ☐ A PRELIMINARY AMENDMENT
- ☐ New arguments

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☐ New evidence in support of patentability

☐ Other

FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

☐ Small entity (and status is still as small entity) \$375.00

☒ Other than a small entity \$750.00

Continued Prosecution Request Fee \$ 750.00

FEE FOR CLAIMS

NOTE: "The fee for continued examination under Section 1.114 (Section 1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

37 C.F.R. 1.53(d)(3): "The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in Section 1.16; and

(ii) Any additional Section 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under Section 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)	(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	* Minus		=	x \$9 =	\$		x \$18 =	\$
Indep.	* Minus		=	x \$42 =	\$		x \$84 =	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim				+ \$135 =	\$		+ \$270 =	\$
				\$		OR	Total \$	
							Addit.	
							Fee	

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